

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APELDYN CORPORATION,

Plaintiff,

V.

**AU OPTRONICS CORPORATION; AU
OPTRONICS CORPORATION
AMERICA; CHI MEI
OPTOELECTRONICS CORPORATION;
CHI MEI OPTOELECTRONICS USA,
INC.**

Defendants.

§

CIVIL ACTION NO. 1:08cv00568 SLR

JURY TRIAL DEMANDED

**AUO OPTRONICS CORPORATION'S AND AU OPTRONICS CORPORATION
AMERICA'S JOINER IN CHI MEI OPTOELECTRONICS CORPORATIONS'
MOTION FOR FEES UNDER 35 U.S.C. § 285**

Defendants AU Optronics Corporation and AU Optronics Corporation America (collectively “AUO”), by and through the undersigned counsel, respectfully join Chi Mei Optoelectronics Corporation and Chi Mei Optoelectronics Corporation USA Inc.’s (collectively “CMO”) Motion for Fees under U.S.C. §§ 285 (D.I. 675). CMO’s Motion is based, *inter alia*, on the argument that Plaintiff Apeldyn Corporation (“Apeldyn”) maintained this lawsuit after it knew it had no basis for accusing CMO’s products of infringement.

The Court previously held, and it is therefore law of the case, that Apeldyn’s “proffer [on infringement] with respect to AUO parallels that for CMO.” (D.I. 653 at 10); *see also* (D.I. 653 at 11) (“[Apeldyn’s expert] describes the operation of the drive signals in AUO and CMO’s product identically.”) Moreover, Apeldyn’s infringement argument, for both AUO and CMO

products, required an unreasonable claim construction that the Court held “is not consistent with the language of the claims or the specification.” (D.I. 675 at 5 (*citing* D.I. 627 at 16)) Therefore, if the Court agrees that Apeldyn had no objective basis to accuse CMO’s products of infringement, it follows that Apeldyn had no objective basis to accuse the identically-operating AUO products of infringement.

Accordingly, if the Court finds this case exceptional and awards fees to CMO, AUO respectfully requests that the Court also award fees to AUO. AUO further requests that it be given thirty (30) days from the date of this Court’s decision on the motion to submit supporting documentation of its attorney fees and litigation expenses.

DATED: February 2, 2012

Respectfully submitted,

RATNER & PRESTIA

By: /s/ Gerard M. O’Rourke

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